

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

AMERICAN PRODUCTIVITY &  
QUALITY CENTER

v.

HARTFORD FIRE INSURANCE  
COMPANY

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CIVIL ACTION NO. 4:19-cv-1164

**NOTICE OF REMOVAL**

Defendant, Hartford Fire Insurance Company (“Hartford”), pursuant to 28 U.S.C. §§ 1441 and 1446, files this Notice of Removal of the captioned action, Cause No. 2019-15584; *American Productivity & Quality Center v. Hartford Fire Insurance Company*; In the 270th Judicial District Court of Harris County, Texas. In support of this Notice of Removal, Hartford respectfully submits the following:

1. American Productivity & Quality Center (“Plaintiff”) commenced the captioned action by filing its Original Petition on March 1, 2019, in the 270th Judicial District Court of Harris County, Texas. Hartford was served on March 11, 2019.
2. Hartford requested certified copies of all process, pleadings, and orders from the 270th Judicial District Court of Harris County. The certified copies of the state court’s file are being filed with this Notice of Removal.
3. The Petition avers that Plaintiff is a foreign non-profit corporation doing business in Harris County, Texas.<sup>1</sup> The Petition alleges that Hartford is a “domestic, for-profit insurance company

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<sup>1</sup> Petition, ¶ 3.

doing business in Texas.”<sup>2</sup> In fact, Hartford is a Connecticut corporation whose principal place of business is in the state of Connecticut.

4. The Petition also alleges that Plaintiff is seeking monetary relief over \$200,000 but not more than \$1,000,000.<sup>3</sup>

5. Hartford does not admit the underlying facts as alleged by Plaintiff in its Original Petition or as summarized above. Hartford expressly denies that it has any liability to Plaintiff.

6. This Notice of Removal is filed within 30 days of service of the Original Petition and is therefore timely under 28 U.S.C. § 1446(b).

### **DIVERSITY JURISDICTION**

7. This Court has original jurisdiction pursuant to 28 U.S.C. § 1332 (a), and this matter is removable to this Court pursuant to 28 U.S.C. § 1441(a), because there is complete diversity of citizenship between the parties and the amount in controversy exceeds \$75,000 exclusive of interest and costs. Plaintiff is incorporated in Delaware with its principal place of business in Delaware. Hartford is incorporated in Connecticut with its principal place of business in Connecticut.

8. The amount in controversy exceeds the jurisdictional minimum of \$75,000 set by 28 U.S.C. § 1332 (a). In the Original Petition, Plaintiff alleges it seeks “monetary relief over \$200,000 but not more than \$1,000,000.”<sup>4</sup>

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<sup>2</sup> Petition at ¶ 4.

<sup>3</sup> Petition at ¶ 2.

<sup>4</sup> Petition at ¶ 2.

**REMOVAL PROCEDURE**

9. The clerk of the 270th Judicial District Court of Harris County, Texas has been provided notice of this Removal.
10. The following exhibits are attached to this notice and incorporated here by reference:
- a. Index of matters being filed;
  - b. List of all parties and counsel of record; and
  - c. Certified copies of all pleadings, process, and orders received from the 270th Judicial District Court of Harris County, Texas.

**CONCLUSION**

11. Based on the foregoing, the exhibits submitted in support of this removal, and other documents filed contemporaneously with this Notice of Removal, Hartford hereby removes this case to this Court for trial and determination.

Respectfully submitted,

/s/ Martin R. Sadler

Martin R. Sadler

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**CERTIFICATE OF SERVICE**

I hereby certify that on this the 29<sup>th</sup> day of March 2019, a copy of the foregoing has been served upon all counsel of record in this action by ECF Filing and/or facsimile, properly addressed to:

Mr. Dax O. Faubus  
The Faubus Firm  
1001 Texas Street, 11<sup>th</sup> Floor  
Houston, Texas 77002

/s/ Martin R. Sadler

Martin R. Sadler